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WORKMAN | NYDEGGER A PROFESSIONAL CORPORATION

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Attorneys for Plaintiff FINISAR CORPORATION

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 FINISAR CORPORATION, a Delaware
16 corporation,

17 Plaintiff,

18 v.

19 U.S. BANK TRUST NATIONAL
ASSOCIATION, a national banking
20 association, not in its individual capacity,
but solely in its capacity as Indenture
21 Trustee in behalf of all Holders of Finisar
Corporation's 5¼% Convertible
22 Subordinated Notes due 2008, 2½%
Convertible Senior Subordinated Notes due
23 2010, and 2½% Convertible Subordinated
24 Notes due 2010; and DOES 1 through 10,
inclusive,

25 Defendants.

26
27 **AND RELATED COUNTERCLAIMS.**
28

Case No. 5:07-CV-04052-JF (PVT)

**DECLARATION OF STEPHEN K.
WORKMAN IN SUPPORT OF
PLAINTIFF FINISAR CORPORATION'S
MOTION FOR SUMMARY JUDGMENT**

Date: **Friday, July 11, 2008**
Time: **9:00 a.m.**
Courtroom: **3**

District Judge: Hon. Jeremy Fogel
Magistrate Judge: Hon. Patricia V. Trumbull

Complaint Filed: June 22, 2007
Trial Date Set: None Yet

1 I, Stephen K. Workman, declare and state:

2 1. I am the Chief Financial Officer of Finisar Corporation ("Finisar"). I make this
3 declaration based upon my own personal knowledge and records maintained by Finisar, to which
4 I have access in the course of fulfilling my duties for Finisar.

5 2. On December 4, 2007, Finisar filed with the Securities and Exchange Commission
6 ("SEC") Forms 10-Q for the quarters ended October 29, 2006, January 31, 2007, and July 29,
7 2007, as well as Form 10-K for the year ended April 30, 2007 (the "Periodic Reports").

8 3. At no time has Finisar been subjected to any disciplinary action or proceeding by
9 the SEC for any delay in filing the Periodic Reports.

10 I declare under penalty of perjury under the laws of the United States and the State of
11 California that the foregoing is true and correct.

12 Executed this 5th day of June, 2008, at Sunnyvale, California.

13 /s/ Stephen K. Workman

14 Stephen K. Workman

15 I hereby attest that I have on file the holograph signature for any signatures indicated by a
16 "conformed" signature (/S/) within this efiled document.

17 DATED: June 6, 2008

Respectfully submitted,

18 Sterling A. Brennan

19 L. Rex Sears

WORKMAN NYDEGGER A PROFESSIONAL CORPORATION

20 Caroline McIntyre

21 BERGESON, LLP

22 By /s/ Sterling A. Brennan

Sterling A. Brennan

23 Attorneys for Plaintiff FINISAR CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
D. Anthony Rodriguez, drodriguez@mofo.com; Abby E. Wilkinson, awilkinson@faegre.com;
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/s/ Sterling A. Brennan

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